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GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 14517-H4/71/Law. *Dated, Trivandrum, 28th June* 1971/ *7th Ashadha* 1893.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 22nd day of June, 1971.

By order of the Governor,

P. V. RAMACHANDRAN,

Addl. Law Secretary.

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ACT 20 OF 1971

THE SREE PANDARAVAKA LANDS (VESTING AND ENFRANCHISEMENT) ACT, 1971

An Act to provide for the enfranchisement of Sree Pandaravaka lands held by landholders and for the vesting in the Government of certain Sree Pandaravaka Thanathu lands.

Preamble.—WHEREAS it is expedient to provide for the enfranchisement of Sree Pandaravaka lands held by landholders and for the vesting in the Government of certain Sree Pandaravaka Thanathu lands ;

BE it enacted in the Twenty-second Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Sree Pandaravaka Lands (Vesting and Enfranchisement) Act, 1971.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appointed day" means the day on which this Act comes into force;

(b) "basic tax" means the tax imposed under the provisions of the Kerala Land Tax Act, 1961 (13 of 1961);

(c) "financial year" means the year commencing on the 1st day of April;

(d) "holding" means any parcel or parcels of Sree Pandaravaka land held by a landholder;

(e) "kuthakapattom" means a lease of Sree Pandaravaka Thanathu lands or of trees on such lands granted for a consideration payable in money or in kind or in both, whether annually or otherwise;

(f) "landholder" means a person who holds Sree Pandaravaka land directly under the Temple on Pattom, Otti, Jenmom, Kudijenmom or Danam or under any other tenure by whatever name called, and includes his heirs, legal representatives and assigns; but does not include a person who holds Sree Pandaravaka Thanathu lands on kuthakapattom;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "rent" means whatever is lawfully payable in money or in kind or in both, to the Temple by a landholder for the use and occupation of any Sree Pandaravaka land;

(i) "Sree Pandaravaka land" means any land owned by the Sree Padmanabhaswamy Temple and registered in the revenue records as "Sree Pandaravaka";

(j) "Sree Pandaravaka Thanathu land" means land registered as "Sree Pandaravaka Thanathu" in the revenue records and includes such lands held on kuthakapattam;

(k) "Temple" means the Sree Padmanabhaswamy Temple at Trivandrum.

3. *Extinguishment and vesting of certain rights of the Temple.*—(1) Notwithstanding anything contained in any law or contract or in any judgement, decree or order of court, with effect on and from the appointed day,—

(a) all rights, title and interest of the Temple in all Sree Pandaravaka lands held by landholders shall stand extinguished ;

(b) all rights, title and interest of the Temple in all Sree Pandaravaka Thanathu lands, except those referred to in sub-section (2), shall vest in the Government;

(c) every building which immediately before the appointed day belonged to the Temple and was then being used as an office in connection with the administration of the Melkanganam branch of the Sree Pandaravaka Department and for no other purpose, shall vest absolutely in the Government free of all encumbrances.

Explanation.—For the purposes of this sub-section, "building" includes the site on which it stands and any land appurtenant thereto.

(2) Nothing contained in sub-section (1) shall apply to the lands specified in the Schedule.

(3) The Government may, on being satisfied that any Sree Pandaravaka Thanathu land is absolutely indispensable for the maintenance, upkeep and user of the Sree Padmanabha Swamy Temple, or any temple attached thereto, direct, by notification in the Gazette, that the rights, title and interest in respect of such land shall cease to vest in the Government and thereupon such rights, title and interest shall re-vest in the Sree Padmanabha Swamy Temple.

(4) If any question arises as to whether any building falls or does not fall within the scope of sub-section (1), it shall be referred to the Government whose decision thereon shall be final and shall not be liable to be questioned in any court of law.

4. *Landholders to be vested with proprietary right.*—Notwithstanding anything contained in any law or contract or in any judgment, decree or order of court, with effect on and from the appointed day,—

(a) every landholder shall, subject to the provisions of section 8, have full proprietary right in the land comprised in his holding, and such right shall be heritable and alienable;

(b) except as provided in section 13, no landholder shall be liable to pay rent to the Temple.

5. *Treatment of Thanathu lands.*—(1) Where in respect of Sree Pandaravaka Thanathu lands vested in the Government under clause (b) of sub-section (1) of section 3, there is a lease on kuthakapattam, such lease shall be deemed to continue under the Government on the same terms and conditions as under the Temple.

(2) Subject to the provisions of sub-section (1), the Government may, at any time after the appointed day, after reserving the Sree Pandaravaka Thanathu lands necessary for Government or public purposes, assign on registry in such manner and subject to such restrictions and conditions as may be prescribed, the remaining lands vested in the Government under clause (b) of sub-section (1) of section 3.

6. *Compensation to the Temple.*—(1) The Government shall by way of compensation for the extinguishment of the rights, title and interest of the Temple under clause (a) of sub-section (1) of section 3 and for the vesting in the Government of its rights, title and interest in Sree Pandaravaka Thanathu lands and of buildings under clauses (b) and (c) of that sub-section pay in perpetuity to the Temple every financial year beginning with the financial year in which the appointed day falls, an amount of fifty-eight thousand and five hundred rupees as annuity.

(2) The annuity payable under sub-section (1) shall be paid in one lump every financial year on such date and in such manner as may be prescribed.

7. *Certain landholders to pay compensation for rights vested in them.*—(1) Every landholder, the annual rent payable by whom immediately before the appointed day in respect of all the Sree Pandaravaka lands held by him is more than the amount calculated at the rate of four rupees and ninety-four paise per hectare of such lands, shall, in consideration of the rights conferred on him under section 4, be liable to pay to the Government compensation as provided in sub-sections (2) to (8).

(2) The amount of compensation payable by a landholder under sub-section (1) shall be equal to sixteen times the difference between the annual rent payable by the landholder immediately before the appointed day in respect of all the Sree Pandaravaka lands held by him and the amount referred to in that sub-section.

(3) Where the annual rent in respect of land comprised in a holding or part thereof is fixed in paddy, such annual rent shall, for the purposes of this section, be commuted into money at the rate of two rupees and twelve paise per standard para of paddy:

Provided that in respect of the lands in the Chirayinkil taluk for which the commutation rate adopted has been eight and a half chakrams per para of paddy, the commutation rate shall be thirty paise per standard para of paddy.

Explanation.—For the purposes of this sub-section, "standard para" means the measure equivalent to 13.11 litres.

(4) The amount payable under sub-section (1) shall be paid in sixteen equal half-yearly instalments, the first instalment commencing from such date as the Government may specify by notification in the Gazette.

(5) If any instalment of the compensation payable under sub-section (4) is not paid on the due date, the amount of such instalment shall bear interest at the rate of five per centum per annum from that date till the date of payment of that instalment.

(6) Nothing contained in sub-section (4) shall be deemed to preclude a landholder from paying at any time a larger sum than the amount of an instalment, or from paying two or more instalments together, or from paying the whole amount due in one instalment.

(7) If any sum in excess of the amount of any instalment is paid by the landholder, it shall be credited towards the succeeding instalment or instalments.

(8) Where a land holder pays the entire amount due in a lump sum on or before the date on which the first instalment is payable, he shall be allowed a rebate of twenty-five per centum of the amount so paid.

8. *Liability to pay basic tax.*—(1) With effect on and from the appointed day, all Sree Pandaravaka lands held by landholders immediately before that day shall be deemed to be Pandaravaka lands for all purposes and shall, subject to the provisions of the Kerala Land Tax Act, 1961 (13 of 1961), be liable to be charged with basic tax.

(2) The landholders shall be liable to pay the basic tax and the provisions of the Kerala Land Tax Act, 1961 (13 of 1961), shall apply for the levy and collection of such tax.

(3) "Rajabhogam" payable to the Government by any landholder in respect of any Sree Pandaravaka land shall cease to accrue with effect on and from the appointed day.

9. *Issue of pattas and other documents to landholders.*—(1) As soon as may be after the appointed day, the Government shall issue pattas or other documents evidencing the full proprietary rights of the landholders in their holdings.

(2) The pattas or other documents issued under sub-section (1) shall contain such particulars as may be prescribed.

10. *Appointment of officers to settle compensation payable by landholders and for issue of pattas.*—The Government may appoint or authorise such officer or officers as they deem necessary for the

purpose of making enquiry and determining the compensation payable by the landholders to the Government under section 7 and for the issue of pattas or other documents under section 9.

11. *Appeal*.—(1) Any person aggrieved by an order of any officer appointed or authorised under section 10 may appeal to the District Collector, Trivandrum or any other officer empowered in this behalf by the Government, within sixty days from the date of the order.

Explanation.—For the purpose of computing the said period of sixty days, the date of communication of a copy of the order to the appellant shall be deemed to be the date of the order.

(2) A copy of every order against which an appeal lies under sub-section (1) shall be communicated in such manner as may be prescribed.

12. *Revision*.—(1) The Board of Revenue may, either of its own motion or on application by any person aggrieved by an order passed by any officer under this Act, call for and examine the record of any proceeding in which such order has been passed, for the purpose of satisfying itself as to the legality, regularity or propriety of such order or proceeding and pass such order thereon as it thinks fit:

Provided that the Board of Revenue shall not call for the record of any proceeding if an appeal against the order to which the proceeding relates is pending or if the time for preferring appeal against such order has not expired.

(2) The Board of Revenue shall not of its own motion call for and examine the record of any proceeding under sub-section (1) if the order to which the proceeding relates has been made more than two years previously.

(3) In the case of an application under sub-section (1) by any person aggrieved, the application shall be made within two years from the date of the order in question.

13. *Collection of arrears of rent*.—(1) With effect on and from the appointed day, the Temple shall not be entitled to collect any rent which accrued due to it from any landholder in respect of his holding before, and is outstanding on, that day, but the Tahsildar of the taluk in which the holding is situate shall be entitled to collect all such arrears of rent and any interest payable thereon as if they were arrears of public revenue due on land:

Provided that if a landholder pays within two years from the appointed day, in such manner as may be prescribed, an amount equal to the arrears of rent for a financial year or the actual arrears outstanding on the appointed day, whichever is less, together with interest thereon, all arrears of rent shall be deemed to be fully discharged and no suit or other proceedings shall lie or continue for the recovery thereof.

(2) Where the annual rent on any land comprised in a holding or part thereof is fixed in paddy, such annual rent shall, for the purposes of this section, be commuted into money at the rate of two rupees and twelve paise per standard para of paddy :

Provided that in respect of the lands in the Chirayinkil taluk, for which the commutation rate adopted has been eight and a half chakrams per para of paddy, the commutation rate shall be thirty paise per standard para of paddy.

Explanation.—For the purposes of this sub-section, "standard para" means the measure equivalent to 13·11 litres.

(3) All amounts paid or collected under sub-section (1) shall be paid to the Temple after deducting—

(a) five per cent thereof by way of collection charges ;

(b) the amount, if any, due from the Temple to the Government; and

(c) the rent, if any, collected before the appointed day by the Temple from any landholder in respect of the financial year in which the appointed day falls or any subsequent financial year.

14. *Certain amounts to be first charge.*—The compensation payable by a landholder under section 7 and any amount which the Tahsildar is entitled to collect under sub-section (1) of section 13 shall be a first charge upon the land in respect of which such compensation or amount is payable, subject only to the charge for basic tax.

15. *Provision for Melkanganam staff.*—Notwithstanding any law, custom or contract to the contrary, the following provisions shall apply in regard to the persons employed in the Melkanganam Branch of the Sree Pandaravaka Department immediately before the appointed day, namely:—

(a) The Government shall have power to terminate the services of any such person after giving him one calendar month's notice or paying him one month's pay in lieu of such notice;

(b) persons whose services are retained shall be governed by such rules as the Government may make in regard to them.

16. *Administration of temples under management of Melkanganam.*—Notwithstanding any law, custom or contract to the contrary, the following temples which have hitherto been administered by the Melkanganam Branch of the Sree Pandaravaka Department shall, on and from the appointed day, be administered by the Executive

Officer appointed under sub-section (2) of section 18 of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (XV of 1950), in accordance with the provisions of that Act:—

(a) Sree Subramonia Swamy Temple, Puthenchanthai, Trivandrum;

(b) Sabhapathi Temple, Chalai, Trivandrum; and

(c) Sree Vazhichal Kanthan Sastha Temple, Vazhichal, Neyyattinkara Taluk;

17. *Finality of orders.*—(1) Any order passed by any officer under this Act in respect of matters to be determined for the purposes of this Act shall, subject only to any appeal or revision provided under this Act, be final.

(2) No such order shall be liable to be questioned in any court of law.

18. *Indemnity.*—(1) No suit or other legal proceedings shall lie against the Government for any act which is in good faith done or intended to be done under this Act or any rule made thereunder.

(2) No suit, prosecution or other legal proceedings shall be instituted against any officer or person duly appointed, authorised or empowered under this Act in respect of anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

19. *Provisions in regard to liabilities of the Temple.*—(1) All claims and liabilities enforceable immediately before the appointed day against the Temple in respect of any Sree Pandaravaka land referred to in clause (a) or clause (b) of sub-section (1) of section 3 or in respect of any building referred to in clause (c) of that sub-section shall, on or after that day, be enforceable only against the annuity payable to the Temple under this Act.

(2) All claims and liabilities referred to in sub-section (1) shall be enforceable against the annuity payable to the Temple under this Act to the same extent to which such claims and liabilities were enforceable against the interests of the Temple in the said land or building immediately before the appointed day.

(3) No court shall, on or after the appointed day, order or continue execution in respect of any decree or order passed against the Temple or against the interest it had in any Sree Pandaravaka land or building referred to in sub-section (1), and execution shall be ordered or continued in such cases in conformity with the provisions of sub-sections (1) and (2) only as against the annuity payable to the Temple.

(4) All rights and privileges which may have accrued in any Sree Pandaravaka land or building referred to in sub-section (1) to any person before the appointed day against the Temple shall cease and determine and shall not be enforceable against the Temple or against the Government, and every such person shall be entitled only to such rights and privileges as are recognised or conferred on him by or under this Act.

20. *Board of Revenue, District Collector and other officers to have certain powers of civil court.*—The Board of Revenue, the District Collector, Trivandrum and any other officer exercising any power or performing any function under the Act shall, for the purposes of this Act, have all the powers of a civil court when trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavit; and

(d) requisitioning any public record or copy thereof from any court or office.

21. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for carrying out the provision of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the procedure for the determination of compensation payable by the land holders under this Act;

(b) the procedure for the issue of pattas or other documents and the particulars they should contain;

(c) prescribing forms where forms are necessary;

(d) the procedure before the officers appointed or authorised under section 10 and the procedure in appeals and revisions under this Act;

(e) the manner in which and the conditions and restrictions subject to which lands vested in the Government under this Act may be assigned;

(f) any other matter which is to be, or may be, prescribed for the purposes of this Act.

(3) Every rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it

is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

22. *Effect of this Act.*—The provisions under this Act shall be deemed to be "other arrangements" made regarding the management of Sree Pandaravaka properties within the meaning of section 23 of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (XV of 1950).

23. *Amendment of section* 2, *Act* 13 *of* 1961.—In section 2 of the Kerala Land Tax Act, 1961 (13 of 1961), in sub-section (1), clause (ii) shall be omitted.

THE SCHEDULE

[*See* Section 3 (2)]

Village	Survey Number	Extent Acre	Extent Cent	Tenure	Devaswoms
Vanchiyoor Village	560/4	1	82	Sreepandaravaka Thanathu Pooja Nelpura	
Do.	560/134	..	12	Poramboke—Sirkar Thanathu Ulsavamatom	Sree Padmanabha Swamy Temple
Do.	560/135	3	2	Sree Pandaravaka Thanathu	
Do.	560/268	..	14	Sirkar Nellukuthupura	
Do.	560/311	..	7	Sirkar Thanathu Chottupura	
Do.	587	..	36	Sree Pandaravaka Thanathu	Sree Padmanabhaswamy Temple (Mithranandapuram Nambimatam)
Do.	719	..	19	Sreepandaravaka Thanathu Virakupura	Sree Padmanabhaswamy Temple
Do.	1200	..	51.448	Kulam Poramboke	do.
Do.	1201	1	16.973	Sree Pandaravaka Thanathu	Subramonia Swamy Temple
Chengazhaserry	2757	..	73	do.	Sabhapathy Temple at Chalai